IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 4TH DECEMBER 2007 / 13TH AGRAHAYANA 1929

WP(C).No. 35814 of 2007(L)

IA 3553/07 in OS.210/2000 of SUB COURT, THALASSERY
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PETITIONER:

K.SUDHAKARAN, S/O.RAMUNNI, MEMBER,
KERALA LEGISLATIVE ASSEMBLY, THIRUVANANTHAPURAM,
RESIDING AT `LAL VIHAR', EDAKKAD AMSOM,
P.O.KUZHUNNA, KANNUR DISTRICT.

BY ADV. SRI.VIJU THOMAS
SMT.M.MEENA JOHN

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY THE
CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.

2. MR.ARUNKUMAR SINHA, I.P.S (SENIOR),
DEPUTY INSPECTOR OF POLICE, ERNAKULAM,
KOCHI.

3. MR.ARUNKUMAR SINHA, I.P.S. (JUNIOR),
CITY POLICE COMMISSIONER, THIRUVANANTHAPURAM.

4. MR.VALSAN, CIRCLE INSPECTOR OF POLICE,
THALASSERY POLICE STATION, THALASSERY.

5. MR.BHASKARAN, ASSISTANT SUB INSPECTOR
OF POLICE, TOWN POLICE STATION, THALASSERY.

6. MR.S.P.CHALY, DIRECTOR GENERAL OF
POLICE, THIRUVANANTHAPURAM.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.Krishnan, J.

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W.P(C).No.35814 of 2007

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Dated this the 4th day of December, 2007.

JUDGMENT

This Writ Petition is filed with a prayer to grant time to the writ petitioner to get ready with the matter till the documents in Crl.M.C.No.2081 of 1997 in the District and Sessions Court, Thiruvananthapuram reach before the Subordinate Judge, Thalassery. Brief facts would reveal that the suit is one for damages and the writ petitioner herein moved an application for summoning those documents in Crl.M.C.No.2081 of 1997. An order was passed by the trial court that records need not be called for. But the writ petitioner may apply for certified copies of the relevant documents and produce in the case and therefore, dismissed the same. Against that decision, W.P.(C) No.25805 of 2003 was filed and this Court set aside the order of the Subordinate Judge, allowed I.A.No.2258 of 2003 and directed the Subordinate Judge to call for the records immediately and

dispose of the suit expeditiously.

2. Now the grievance of the writ petitioner is that the relevant documents or records are called for by this Court in a proceeding and it may take some time for the writ petitioner to ascertain and find out whether the records are correct and then move an appropriate application in that regard. Therefore one cannot find fault with the writ petitioner, but on account of different proceedings pending in various courts, he is unable to get those records.

3. Therefore, I direct the court below to defer the trial in O.S.No.210 of 2000 and give some time to the writ petitioner herein to call for the records in Crl.M.C.No.2081 of 1997 and dispose of the matter after the receipt of those records.

Writ Petition is disposed of accordingly.

M.N.Krishnan,
Judge.

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